



Louisiana Commission on Human Rights

Safeguarding Louisiana Citizens against Discriminatory Practices

2007-2008 Annual Report

Kathleen Babineaux Blanco
Governor

Loyce Pierce Wright, M. Ed,
Executive Director

Dedication

The 2007-2008 Louisiana Commission on Human Rights Annual Report
is dedicated to Rodney C. Braxton, Esq.
Chairman of the Louisiana Commission on Human Rights



“ The journey toward human rights and justice is ongoing. I am most proud that in just a few years, the Louisiana Commission on Human Rights can have a dramatic impact on the lives of Louisiana’s citizens.”

Rodney C. Braxton, Esq.

Current President of the Southern Strategy Group, Mr. Braxton has served as Assistant Chief of Staff for Governor M.J. “Mike” Foster, overseeing transportation and insurance issues. Mr. Braxton has held several high ranking governmental positions, including the first Executive Director of the Louisiana Commission on Human Rights. Mr. Braxton received a Bachelor of Science degree in Finance from the University of New Orleans and a Juris Doctorate from Tulane University. He has been a practicing attorney since 1992. Mr. Braxton was named the 2000 Alumnus of the Year by the University of New Orleans and one of 30 leaders of the future by Ebony Magazine.

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LETTER FROM THE EXECUTIVE DIRECTOR

KATHLEEN BABINEAUX BLANCO
Governor



Loyce Pierce Wright
Executive Director

State of Louisiana
Office of the Governor
LOUISIANA COMMISSION ON HUMAN RIGHTS

Dear Colleagues:

I am proud to submit the Louisiana Commission on Human Rights Annual report for the 2007-2008 Fiscal Year. We have dedicated this year's report to Rodney C. Braxton, Esq. because of his commitment, leadership and long history with the Louisiana Commission on Human Rights (LCHR). He served as the first executive director and has served as chairman of the LCHR Board of Commissioners since 1999.

Through the years, Mr. Braxton has been an active LCHR supporter and advocate for human rights. He has made presentations on behalf of the agency and its work and participated in human rights trainings and conferences. **We are pleased to dedicate this report to Chairman Braxton for his leadership that helped LCHR become more effective in addressing the needs of persons who feel they have been discriminating against.**

Again this year, the Louisiana Commission on Human Rights has focused its efforts on investigating and closing cases. During this fiscal year, the Commission processed nearly 100 charges of race and color, age, disability, and employment discrimination. Through the conciliation process, we settled eleven claims for \$213,141. The Intake Office processed 30 new complaints and handled more than 1300 telephone inquiries from Louisiana citizens.

We note with sadness the passing of Rupert F. Richardson who served as a LCHR commissioner for sixteen years from 1988 through 2005. Mrs. Richardson's leadership and vast knowledge contributed to LCHR's development into an efficient human rights agency. Civil and human rights advocates across the nation will miss her support.

As we move forward to the next year, we do so with firm resolve for fulfilling our mission of protecting Louisiana citizens against discriminatory practices. We thank you for your support of our efforts.

Sincerely,

A handwritten signature in black ink that reads "Loyce Pierce Wright".
Loyce Pierce Wright, M. Ed.
Executive Director

COMMISSION MEMBERS AND STAFF

COMMISSIONER

Rodney C. Braxton, Esq., Chairman

Jacques J. Detiege

Tamara K. Jacobson, Esq.

Anne Zoller Kiefer

Wilbert D. Pryor, Esq.

James Meche

DISTRICT/CITY

6th, *Baton Rouge*

At Large, *New Orleans*

2nd, *New Orleans*

1st, *New Orleans*

4th, *Shreveport*

7th, *Opelousas*

STAFF

Loyce Pierce Wright, M.Ed., *Executive Director*

Leah R. Raby, MPA, ABD *Executive Assistant / Investigator*

Christa S. Davis, MPA, *Administrative Assistant / Intake Officer*

CONTRACT INVESTIGATORS

Mattie Horton

George Simpson

Lillian Thornton, Esq.

Arlinda P. Westbrook, Esq.

FROM THE ATTORNEY GENERAL'S OFFICE

Uma Subramanian, *Section Chief, Government Litigation and Education*

Cherie A. Lato, *Assistant Attorney General, Government Litigation and Education*

STUDENT INTERNS

Lauren M. Grundy, *Senior Political Science Major, Southern University*



The Louisiana Commission on Human Rights was established in 1988 by Act 866 in the 1988 Regular Session of the Louisiana Legislature and has been operating since 1993. The Louisiana Commission on Human Rights is authorized by LSA-R.S. 23:301 et seq., as amended, cited as the Louisiana Employment Discrimination Law to handle discrimination based upon race, color, sex, age, disability, national origin, sickle cell trait or pregnancy, childbirth and related medical conditions. The office is also authorized by LSA-R.S. 51:2231 et seq., as amended to handle complaints of banking and lending, and public accommodation discriminatory practices. Structured under the Office of the Governor, the Louisiana Commission on Human Rights is the official entity mandated to process charges of discrimination, investigate alleged discriminatory acts, mediate disputes and provide education and training about discriminatory practices.

In 2002, the Louisiana Commission on Human Rights was given additional enforcement authority relative to breastfeeding. LSA-R.S. 2247.1 stipulates, "A mother may breastfeed her baby in any place of public accommodation, resort, or amusement in an effort to maintain family values and infant health demands. Any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in treatment of a mother breastfeeding... It is a discriminatory practice in connection with public accommodation for a person to deny an individual the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a public accommodation, resort or amusement."

LOUISIANA COMMISSION ON HUMAN RIGHTS

2007 – 2008 Annual Report

This report highlights the Louisiana Commission on Human Rights' achievements and progress in meeting its mandated responsibilities. It covers the period July 1, 2007 through June 30, 2008

ORGANIZATIONAL STRUCTURE

A Board of Commissioners governs the Louisiana Commission on Human Rights (LCHR) and is responsible for executing the state mandated anti-discrimination laws. The nine-member board and the Executive Director constitute the Commission on Human Rights. The Governor appoints the members of the Board of Commissioners. The Louisiana Senate confirms the Commissioners on a bipartisan basis, one from each Congressional district with the remaining membership appointed at-large. Commissioners serve a three-year term and may continue to serve until reappointed or replaced. The Governor selects one of the appointees to serve as Commission chair.

The Commission has specific powers and duties as defined in LSA-R.S. 52:2235, which includes appointing an executive director and other staff as necessary to carry out the functions of the office. In addition, state statutes require that the LCHR cooperates with the United States Equal Employment Opportunity Commission and accept reimbursements for services rendered.

The Louisiana Commission on Human Rights is mandated to cooperate with the community, professional groups, and governmental agencies in the development of public information programs and activities in the interest of equal opportunity and treatment of all individuals. Finally, LCHR is charged with fostering goodwill and promoting human rights throughout the state through education and other means.

The Executive Director is responsible for the day-to-day administration of the agency and for appointing and supervising staff to carry out the functions of the office. Additionally, the Director manages the activities of contract investigators who augment the agency's investigative activities.

CASE ACTIVITY

Closings

LCHR staff processed and closed one hundred charges of discrimination during the 2007-2008 fiscal year. The majority of closings related to employment discrimination laws. Of the 100 closed cases:

- The majority (67) of closings were resolved through a **No Cause** finding. An investigation yielded the likelihood that no discriminatory action occurred or was not able to be determined.
- Seventeen cases were closed by **Administrative Resolution**. In these instances, the cases are closed for several reasons prior to investigation. The administrative closing of a complaint means that one or more criteria have not been met, i.e., not the correct number of employees; outside of 180 days for

the last alleged act of discrimination; non-jurisdictional - the issues do not fall under the jurisdiction of the office; failed to cooperate, failed to locate, or right-to-sue requested.

- Seven **Settlements** and five **Successful Conciliations** were reached. These cases were completely investigated with a finding (cause) issued and resolution achieved amicably between all parties. Monetary and Nonmonetary conciliation and settlement are described later in this report.
- Six **Unsuccessful Conciliations** occurred, in which the cases were investigated with a finding (cause) issued and no resolution achieved between the parties.
- Cases that have or have not been fully investigated, but have been closed via withdrawal by the Complainant when the Complainant receives some type of settlement are classified as **Withdrawal w/Benefits**. Two cases were resolved in this manner during the 2007-2008 fiscal year.

RESOLUTIONS BY LAW										
Resolution	Title VII	ADEA	Title VII / ADEA	EPA	Title VII / EPA	ADA	ADEA / ADA	FEPA Only	FEPA Federal	Other
Settlements	6	1	-	-	-	-	-	-	-	-
Withdraw w/ Benefits	1	-	-	-	-	1	-	-	-	-
Successful Conciliation	3	-	-	-	-	2	-	-	-	-
Unsuccessful Conciliation	2	-	1	-	-	1	1	-	-	1
No Cause	51	4	1	-	-	5	1	-	-	1
Administrative Resolution	11	1	-	-	-	5	-	-	-	-
Total	74	6	2	0	0	14	2	0	0	2
Keys to Discrimination Types <ul style="list-style-type: none"> • Title VII – Race and Color Discrimination • ADEA – Age Discrimination Employment Act • EPA – Equal Pay and Compensation Discrimination • ADA – Disability Discrimination • FEPA – Fair Employment Practices Agencies <p>The Civil Rights Act of 1964 outlawed racial segregation in schools, public places, and employment. The Act also created the Equal Employment Opportunity Commission. Title VII of the Act prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin. The Equal Employment Opportunity Commission and state fair employment practices agencies, including LCHR, enforce Title VII. The EEOC and state FEPAs investigate, mediate, and may file lawsuits on behalf of employees.</p>										

Conciliations and Settlements

Claims sometimes are resolved through a voluntary process called conciliation. LCHR negotiates with the person making a complaint (the Complainant) and the party that has been charged (the Respondent) to

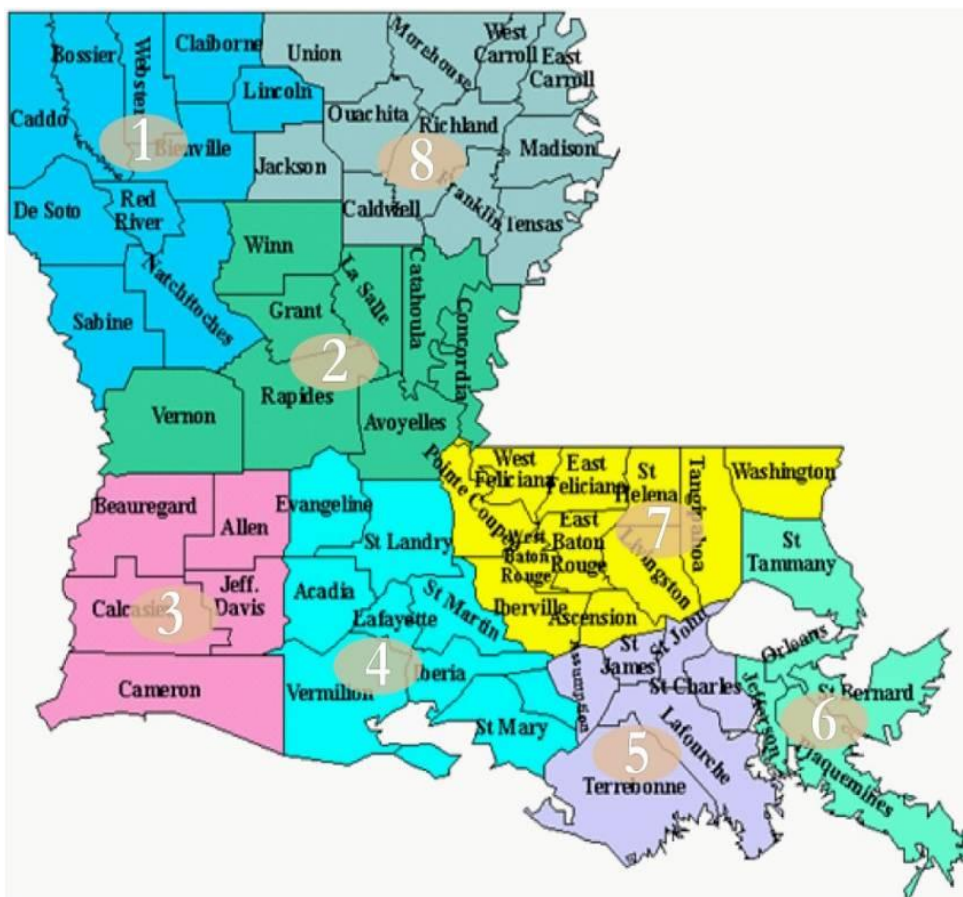
reach an agreement. The agreement, which is legally binding, could result in a non-monetary or a monetary settlement. Non-monetary settlements may require the Respondent to receive training about discriminatory practices and other activities, which LCHR may monitor for compliance.

As the chart below shows, seventeen claims were resolved through conciliation. Of these, eleven settled for a total of \$213,141. Almost 65% (9) of the seventeen awards were compensatory or punitive and resulted in \$181,334 of the total monetary awards.

Conciliation and Settlement Awards				
Award Type	Title VII	ADEA	ADA	Total
Non Monetary	5	-	1	6
Monetary	7	1	3	11
Dollars Awarded	\$117,679	\$65,000	\$30,462	\$213,141
Compensatory/Punitive Awards				
<i>Number</i>	6	1	2	9
Dollars Awarded	\$86,4000	\$65,000	\$29,934	\$181,334

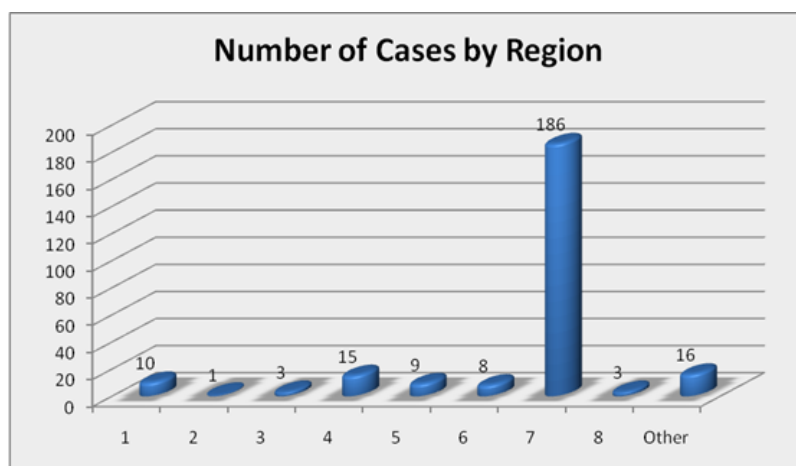
Geographic Distribution of Cases

Each year LCHR reports its case inventory by geographic region to highlight areas with significant numbers of cases compared to other regions. Region 7 generated 74% of 251 cases in the LCHR inventory during the 2007-2008 fiscal year. The map below shows LCHR geographic regions.



The chart and table compare inventory of cases across regions.

Regions	1	2	3	4	5	6	7	8	Other	Total
Number	10	1	3	15	9	8	186	3	16	251
Percentage	3.98%	0.40%	1.20%	5.98%	3.59%	3.19%	74.10%	1.20%	6.37%	100.00%



Intake Office Report

Telephone Inquires

The Intake Office categorizes telephone inquiries by purpose to understand the needs of its consumer base and gauge emerging human rights trends. More than half (54%) of callers requested information about race, sexual harassment, or employment discrimination. Just fewer than ten percent (9.51%) requested additional information about the Dismissal and Notice letters that are mailed in instances where the Complainant's situation did not meet LCHR guidelines.

Complaint Intake

The Intake Office plays a crucial role in receiving and processing complaints. During the 2007-2008 fiscal year, the Intake Officer processed 30 new complaints, compared to 38 in the previous year. LCHR mailed claim forms to 27 individuals. This year, the Intake Officer handled 15 claims for walk-in complainants.

TELEPHONE INQUIRIES, 2007-2008		
PURPOSE OF CALLS	NUMBER	PERCENTAGE
Information about other state agencies	40	3.07%
LCHR Forms	60	4.60%
Attorney Inquiries	55	4.22%
Wages/Hour Issues	70	5.37%
Dismissal and Notice of Rights	124	9.51%
Sex Harassment	190	14.57%
Caller referred to EEOC	225	17.25%
Unemployment Office	260	19.94%
Race Discrimination Inquiries	280	21.47%
Total	1304	100%

WORKING WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Worksharing Agreement between the United States Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights was extended another for fiscal year 2008 on October 7, 2007. The Worksharing Agreement helps avoid duplication of efforts for dual filed cases as both agencies have jurisdiction to investigate charges of employment discrimination.

COMMUNITY EDUCATION AND OUTREACH

With the bulk of the agency's resources directed toward investigating and resolving charges of discrimination on behalf of Louisiana citizens, LCHR scaled back education and outreach activities over the past years. However, LCHR is still committed to its mission of providing education and training about discriminatory practices. LCHR staff members, based on time available, participate in seminars and forums to increase the public's understanding of state and federal laws related to unlawful discriminatory practices.

On October 17, 2007, Leah Raby, LCHR Executive Assistant/Investigator participated in the Louisiana Diversity Forum, along with professionals representing legal, corporate, governmental, educational and business industries. Mrs. Raby spoke about the Louisiana Commission on Human Rights before an audience of more than 100 participants.

Advocacy and Public Relations

- **A Century of Civil Rights** exhibit was displayed at The Coca Cola Presents the July 2007 Essence Music Festival in New Orleans in the Morial Convention Center. The exhibit, which made its inaugural appearance at the 2005 festival in commemoration of the Centennial of the Niagara movement, featured a composition of twelve panels each presenting a decade of historical civil rights activities from 1905 to 2005.
- **"Jena Six" Case** – The excessive criminal charges and bails set for six African American high school students following the beating of a white high school student garnered national attention and outcries of civil and human rights violations. International and national human rights organizations, criminal justice agencies and others concerned about the injustice sent letters to Governor Kathleen Blanco requested her to investigate the alleged racial actions. Other concerned agencies, groups and individuals sought support from LCHR in seeking a review of the Jena, Louisiana District Attorney's conduct in the case. On September 25, 2007, LCHR joined thousands who marched in support of the "Jena Six" at the *Jena Six March for Peace and Justice* in the cities of Jena and Alexandria, Louisiana.

IN MEMORY

Rupert F. Richardson

January 14, 1930 to January 24, 2008



Rupert F. Richardson

Commission Member
Louisiana Commission on Human Rights
1988-2005